

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Vincent Antonio Syndab,)	
)	
Plaintiff,)	
)	Civil Action No: 5:12-cv-02315
vs.)	
)	
Commissioner of Social Security)	
Administration,)	
)	ORDER
Defendant.)	
_____)	

On June 4, 2014, Plaintiff filed a motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, on the basis that the position taken by the Government in this action was not substantially justified. (Doc. #27). The motion seeks reimbursement for counsel's representation in the captioned matter in the amount of \$4,409.89 for fees (1.90 hours of attorney's time at \$181.67 per hour and another 22.00 hours of attorney time at \$184.76 per hour). The Government filed a response on June 12, 2014, in support of Plaintiff's motion, agreeing to pay the requested fees and costs. (Doc. #28).

Under the EAJA, a court shall award attorney's fees to a prevailing party in certain civil actions against the United States unless the court finds that the government's position was substantially justified or that special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). The standard to be applied in determining whether the Commissioner was "substantially justified" in terminating social security benefits, for purposes of determining whether award of attorney's fees under the EAJA is warranted, is whether there was arguably substantial evidence to support the Commissioner's position, not whether there was some evidence to support the position. Anderson v. Heckler, 756 F.2d 1011 (4th Cir. 1984).

After careful consideration of the filings by the parties, it is reasonable to conclude that the Government's position was not substantially justified and that fees and costs should be awarded. The Government does not object to the motion for an award of fees.

Based on the foregoing and after consideration of the briefs and materials submitted by the parties, **IT IS ORDERED** that Plaintiff's motion for payment of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, (Doc. #27), be **GRANTED** in the amount of \$4,409.89.

s/Terry L. Wooten
CHIEF UNITED STATES DISTRICT JUDGE

June 16, 2014
Columbia, South Carolina